

So this time we are saying if we are going to stimulate the economy, get the money out in time to make a difference. That is why we have this principle. Yet if one looks at the Grassley plan, nearly half of it, 48 percent of the 10-year cost, occurs after the first year. That is not a stimulus package. That is a tax cut package—I will grant that—but it is not a stimulus package.

It is going to be too late. It is going to be like all the other times when we tried to use fiscal stimulus, and every time it has been too late. Let us not make that same mistake again. On a bipartisan basis we said: Let us not do that again. If we are going to have stimulus, let us get it out there to be effective.

The Grassley plan does not do it. Half of it comes after the year 2002.

On the size, we said \$60 billion. The cost of the Grassley plan is \$175 billion over 10 years. That does not count the interest cost.

On targeting, we said stimulus dollars should go to those most likely to spend them. Well, the Grassley package flunks that big time. Forty-four percent of the value of the tax cuts in the Grassley plan goes to the wealthiest 1 percent. Eighteen percent goes to the bottom 60 percent. Talk about taking a principle and standing it on its head. That is what the Grassley proposal does. It does not funnel the money to those who receive the lowest income, who are the ones most likely to spend it. It gives the disproportionate share to the wealthiest 1 percent who are the ones most likely to save it, not spend it.

Again, however meritorious saving is—and I believe in it and applaud those who save—every economist has said to us you have to put this money in the hands of companies and people who will spend it and spend it now; not 2 years from now, not 3 years from now but now. The Grassley plan absolutely flunks that test.

Finally, the package should not worsen our long-term fiscal condition. The Grassley plan costs over \$200 billion, counting the interest. It costs over \$200 billion after fiscal year 2002.

That is digging the hole deeper. That is taking every penny of it from the Social Security trust fund surpluses.

When one thinks about it, here is what he is doing: He is taking money from payroll taxes—and over 70 percent of the people in this country pay more in payroll taxes than they do in income taxes—he is taking payroll tax money and using it to fund an income-tax cut that disproportionately goes to the wealthiest 1 percent. Think about that. He is taking money, over \$200 billion, after this economic slowdown is over—according to the administration's projections, he is taking \$200 billion of people's payroll tax money and going over and giving half of it to the wealthiest 1 percent in an income-tax cut when every economist has told us we ought to give the money in tax cuts to the lower income people who are most likely to spend it.

Instead, what he is doing is taking it from the low-income people, the 60 or 70 percent of the people who pay more in payroll taxes than they pay in income taxes, and giving it to the wealthiest 1 percent, who are the ones most likely to save it and not spend it. That is not a stimulus package. That is a tax cut package for the most privileged and the wealthiest among us. It is certainly not a stimulus package. It flunks every test, every principle that we agreed to on a bipartisan basis.

I hope our colleagues are thinking very carefully about this matter of a stimulus package. It is needed. It is needed soon. We have an economy that is in decline. We were in trouble before September 11. That circumstance has gotten seriously worse after the events of September 11, after the sneak attack on this country. We have an obligation to develop a stimulus package that is really stimulus, not a political plan, not a partisan plan but a plan that is going to help lift this economy. To do that it is critically important that while we are giving a short-term lift, a lift that will take effect in a way that is timely, that we also couple that with long-term fiscal discipline so we do not push up interest rates, so we do not undo all of the good we are attempting with a stimulus package.

I feel very strongly about this issue because I have seen in the 15 years I have been in the Senate the difference between healthy fiscal policy and fiscal policy that is built on debt and deficits and decline. The last thing we should do in this country is put our Nation back on the course of massive fiscal deficits, draining every trust fund in sight in order to cover other costs. That is especially important in the decade before the baby-boomers retire.

I am going to be ferocious on the question of not digging the fiscal hole deeper beyond the time of economic weakness. That would be a profound and tragic mistake to this country.

The distinguished occupant of the chair is the Senator from New York. New York has been devastated by the attacks on September 11. I think all of us are proud of the reaction of the people of New York. They have stood tall. They have responded with courage, and they deserve our help. Every time in our Nation's history when one of our States has been hit by natural disaster or some tragedy, all of the other States have rushed to help.

I remember when my own State was devastated in the 1990s by floods, the worst floods in 500 years. Colleagues from all across this country reacted in a generous way to help the people of my State who were so badly hurt. I remember when California was devastated by fires and earthquakes how all of us rallied around to help the State of California because it was the right thing to do and because we also recognized we are the United States of America and we are united at a time of difficulty for many of our people.

The people of New York have suffered not a natural disaster; it is a man-

made disaster, a disaster made by fanatics who took innocent lives by the thousands and devastated tens of millions of dollars worth of property and put New York's economy on a course that is going down. It is our obligation to help. We will help. We will fashion a stimulus package that will help all of our country recover.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORZINE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORZINE. Madam President, I say to my colleague from North Dakota, as always, his analysis is spot on. He is addressing one of the fundamental needs of our Nation to have a responsible stimulus program, one that happens soon, one that has real impact and is not an ideological platform or program, but one that is designed to truly stimulate our economy. The more we hear the Senator from North Dakota articulate this, the better our country will be and the sooner our economy will be moving forward.

Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey is recognized.

Mr. CORZINE. I thank the Chair.

(The remarks of Mr. CORZINE pertaining to the introduction of S. 1602 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CORZINE. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAYTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

# DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

AMENDMENTS NOS. 2048 THROUGH 2053

Mr. HARKIN. Mr. President, I am going to ask consent to set aside the pending amendment only for the purpose of adopting six amendments that have been cleared on both sides as managers' amendments.

Mr. President, I ask unanimous consent that we set aside the pending amendment and that six amendments that have been cleared by the managers on both sides be considered and adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 2048 through 2053) were agreed to, as follows:

AMENDMENT NO. 2048

On page 33, line 22, strike all after the word "Center" through the word "vivarium" on line 23.

On page 33, line 25, strike all after the word "related" through the word "project" on page 34, line 2, and insert, in lieu thereof, "contracts, which collectively include the full scope of the project, may be employed for the development and construction of the first and second phases of the John Edward Porter Neuroscience Research Center".

AMENDMENT NO. 2049

(Purpose: To establish certain requirements relating to maintenance of effort for State expenditures on public education)

At the appropriate place, insert the following:

SEC. 515. Section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note) is amended by adding at the end the following:

"(f) STATE CONTRIBUTIONS.—

"(1) SUPPLEMENT, NOT SUPPLANT.—

"(A) IN GENERAL.—Effective October 1, 2002, the portion of the funds made available to a State to carry out this section for a fiscal year that exceeds the baseline funding for the State shall be used to supplement and not supplant State (including local) public funds expended to provide free public education.

"(B) DEFINITIONS.—In this paragraph:

"(i) BASELINE FUNDING.—The term 'baseline funding', used with respect to a State, means the funds made available to the State to carry out this section for fiscal year 2000, increased or decreased by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Secretary of Labor, has increased or decreased by June of the preceding fiscal year from such Index for June 2000.

"(ii) FREE PUBLIC EDUCATION.—The term 'free public education' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(2) MAINTENANCE OF EFFORT.—

"(A) IN GENERAL.—Effective October 1, 2002, a State may receive funds under this section for a fiscal year only if the Secretary of Education finds that the aggregate expenditure of the State with respect to the provision of free public education by such State for the preceding fiscal year was not less than 100 percent of the baseline expenditure for the State.

"(B) USE OF FUNDS.—If a State fails to receive funds under this section for a fiscal year in accordance with subparagraph (A), the Secretary of the Treasury shall use the funds to make payments to the other States, in proportion to the amounts already received by the other States under this section for the fiscal year.

"(C) WAIVER.—The Secretary of the Treasury may waive the requirements of this paragraph if the Secretary determines that such a waiver would be equitable due to—

"(i) exceptional or uncontrollable circumstances such as a natural disaster; or

"(ii) a precipitous decline in the financial resources of the State.

"(D) DEFINITIONS.—In this paragraph:

"(i) AGGREGATE EXPENDITURE.—The term 'aggregate expenditure', used with respect to a State, shall not include any funds received by the State under this Act.

"(ii) BASELINE EXPENDITURE.—The term 'baseline expenditure', used with respect to a

State, means the aggregate expenditure of the State with respect to the provision of free public education by such State for fiscal year 2000, increased or decreased by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Secretary of Labor, has increased or decreased by June of the preceding fiscal year from such Index for June 2000.

"(iii) FREE PUBLIC EDUCATION.—The term 'free public education' has the meaning given the term in paragraph (1)."

AMENDMENT NO. 2050

(Purpose: To express the sense of the Senate regarding the release of fiscal year 2001 emergency funding for the Low-Income Home Energy Assistance Program)

At the appropriate place, add the following:

SEC. 516. (a) FINDINGS.—The Senate finds the following:

(1) The Low-Income Home Energy Assistance Program (referred to in this section as "LIHEAP") is the primary Federal program available to help low-income households, the elderly, and individuals with disabilities pay their home energy bills.

(2) Congress provided \$300,000,000 in emergency funding for LIHEAP in the Supplemental Appropriations Act, 2001 because regular appropriations were insufficient to help States offset the increase in high utility bills during the winter of 2000–2001.

(3) Congress expected that half of the emergency funding would be made available for targeted assistance to States with the most critical needs, and half would be given to help States address unmet energy assistance needs resulting from the extraordinary price increases in home heating fuels and residential natural gas, experienced during the winter of 2000–2001.

(4) In the winter of 2000–2001, there was a 30 percent increase in households receiving LIHEAP assistance in large part due to the high price of home energy and severe weather.

(5) In the winter of 2000–2001, the LIHEAP program was only able to serve 17 percent of the 29,000,000 households eligible for LIHEAP assistance.

(6) In the winter of 2000–2001—

(A) heating oil prices were 36 percent higher than in the winter of 1999–2000, and residential natural gas cost 42 percent more per cubic foot than in the winter of 1999–2000; and

(B) the weather was 10 percent colder than in the winter of 1999–2000.

(7) In the winter of 2000–2001, record cold weather and high home energy bills took a financial toll on low-income families and the elderly who spend, on average, 19.5 percent of their annual income on energy bills, as compared to 3.7 percent for all other households.

(8) Families in the United States need emergency LIHEAP funding to pay home energy bills from the winter of 2000–2001 and restore heat as the succeeding winter approaches.

(9) More citizens will need LIHEAP assistance in fiscal year 2002 due to the recent increase in unemployment and the slowing economy.

(10) States are being forced to draw down fiscal year 2002 LIHEAP funds in order to address unmet needs from fiscal year 2001 and help low-income households pay overdue home energy bills.

(11) Emergency LIHEAP funding will provide States with critical resources to help provide assistance to residents.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should immediately release the \$300,000,000 in emer-

gency funding for LIHEAP provided by the Supplemental Appropriations Act, 2001.

AMENDMENT NO. 2051

(Purpose: To express the sense of the Senate that the Department of Health and Human Services produce a Notice, and for other purposes)

On page 54, after the period on line 15, add the following:

SEC. 218. Of the funds provided to the Office of the General Counsel, not less than \$500,000 shall be used to provide legal support for enforcement of the labeling provisions of the Dietary Supplement Health and Education Act of 1994.

SEC. 219. Expressing the sense of the Senate that the Department of Health and Human Services publish a Notice regarding Good Manufacturing Practices for dietary supplements.

Whereas over 100,000,000 Americans regularly use dietary supplements to maintain and improve their health status;

Whereas Congress has established a strong regulatory framework to ensure that consumers have access to safe dietary supplement products and information about those products;

Whereas Good Manufacturing Practice (GMP) regulations are the primary enforcement tool whereby government inspectors ensure that all food products (including dietary supplements) are manufactured according to rigorous quality control standards, including appropriate labeling, sanitation, purity and records-keeping;

Whereas the Dietary Supplement Health and Education Act of 1994 authorized development of Good Manufacturing Practice guidelines for dietary supplements;

Whereas the Good Manufacturing practice guidelines will be instrumental in assuring the American public that dietary supplements are properly manufactured and labeled; and

Whereas those guidelines have been in development by the Department of Health and Human Services, its operating divisions, and the Office of Management and Budget, for over 5 years: Now, therefore, be it

Resolved, That the Senate expresses a sense of the Senate that the Department of Health and Human Services or its operating divisions publish a Notice of Proposed Rulemaking with respect to Good Manufacturing Practices for dietary supplements within 15 days of enactment of this Act.

AMENDMENT NO. 2052

At the appropriate place, on page 93, after line 12, insert the following:

SEC. 517. (a) Section 10 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11709) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "Kamehameha School/Bishop Estate" and inserting "Papa Ola Lokahi"; and

(2) in subsection (b)(1)(C), by striking "Kamehameha School/Bishop Estate" and inserting "Papa Ola Lokahi".

(b) Section 338K(a) of the Public Health Service Act (42 U.S.C. 254s(a)) is amended by striking "Kamehameha School/Bishop Estate" and inserting "Papa Ola Lokahi".

AMENDMENT NO. 2053

(Purpose: To require the Comptroller General of the United States to report on the State and local impacts of the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996)

On page 93, after line 12, insert the following:

SEC. 518. (a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives on the matters described in subsection (b) with respect to the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191; 110 Stat. 2021) and programs administered by State and local units of government.

(b) MATTERS STUDIES.—For purposes of subsection (a), the matters described in this subsection include the following:

(1) An assessment of Federal programs administered by State and local units of government, including local educational agencies, explicitly required to implement the administrative simplification requirements under provisions of the Health Insurance Portability and Accountability Act of 1996.

(2) An assessment of other Federal and non-Federal programs administered by State and local units of government, including local educational agencies, that will be required to implement the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in order to exchange electronic health data with private sector providers and insurers.

(3) An analysis of the costs that will be incurred by State and local units of government, including local educational agencies, to implement the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(4) An analysis of Federal resources available to units of State and local government, including local educational agencies, for implementing the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(5) An assessment of guidance provided to State and local units of government, including local educational agencies, by the Centers for Medicare and Medicaid Services and the Department of Health and Human Services on the implementation of the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(6) An assessment of the coordination between the Centers for Medicare and Medicaid Services, the Department of Health and Human Services, and other Federal agencies on the implementation of the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in Federal programs administered by State and local units of government, including local educational agencies, in programs described in paragraph (1) or (2).

(c) DEFINITION.—In this section, the term “administrative simplification requirements” means all standards for transactions, data elements for such transactions, unique health identifiers, code sets, security, and privacy issued pursuant to sections 262 and 264 of the Health Insurance Portability and Accountability Act of 1996.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2054

Mr. SESSIONS. Mr. President, I previously spoke on an amendment to provide for a study and report regarding Federal student loan disbursements to students attending foreign schools. I offer that amendment at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 2054.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a study and report regarding Federal student loan disbursements to students attending foreign schools)

At the end, add the following:

SEC. \_\_\_\_ STUDY AND REPORT.

(a) FINDINGS.—Congress makes the following findings:

(1) The number of students applying for loans and claiming to attend foreign institutions has risen from 4,594 students in 1993 to over 12,000 students in the 1998-1999 school year.

(2) Since 1995 there have been at least 25 convictions of students who fraudulently claimed they were attending a foreign institution, then cashed the check issued directly to them, and did not attend the foreign institution.

(3) Tighter disbursement controls are necessary to reduce the number of students fraudulently applying for loans under title IV of the Higher Education Act of 1965 and claiming they are going to attend foreign institutions. Funds should not be disbursed for attendance at a foreign institution unless the foreign institution can verify that the student is attending the institution.

(b) STUDY AND REPORT.—

(1) STUDY.—The Comptroller General shall conduct a study regarding—

(A) Federal student loan disbursements to students attending foreign schools; and

(B) fraud, waste, and abuse in the Federal Family Education Loan Program as the fraud, waste, and abuse relates to students receiving funding in order to attend a foreign school.

(2) REPORT.—The Comptroller General shall report to Congress regarding the results of the study.

(3) REPORT CONTENTS.—The report described in paragraph (2) shall—

(A) include information on whether or not there are standards that a foreign school must meet for an American student to attend and receive a federally guaranteed student loan;

(B) compare the oversight controls for loans dispensed to students attending foreign schools and domestic institutions;

(C) examine the default rates at foreign schools that enroll American students receiving federally guaranteed student loans and determine the number of students that are receiving loans in multiple years; and

(D) make recommendations for legislative changes that are required to ensure the integrity of the Federal Family Education Loan Program.

Mr. SESSIONS. Mr. President, for the record, I made reference to this amendment earlier, but I inadvertently submitted another amendment. This is the amendment to which I spoke previously. I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I have been consulting with the distinguished assistant Democratic leader. He reports to me there are a number of procedural agreements that have been entered into. I appreciate Senators' cooperation in reaching these agreements.

As I understand it, we have also adopted by voice vote a couple of amendments. There are a number of amendments pending. It is my hope that we can proceed with votes on those at some point early in the day tomorrow. It would be my expectation that we could finish this bill by tomorrow night, and I would be inclined then not to have votes scheduled on Friday. We would want to lay down the appropriations bill on the District of Columbia, but I think we could probably work through that bill and make arrangements for further consideration of the bill early next week.

We have to get this bill done. If we are not finished with it by tomorrow night, clearly we will work on it throughout the day on Friday. My hope is we could finish our work on it sometime tomorrow night, and then Senators would have the opportunity to schedule their day on Friday knowing there would not be votes, although there will be Senate business.

I also have been asked by a number of our colleagues if we could accommodate them and their families tonight. We will do so. In keeping with that understanding, there will be no more roll-call votes this afternoon.

Having said that, it means we have a very full day tomorrow with a lot of votes on amendments tomorrow. I hope Senators will come to the Chamber, offer their amendments, agree to time limits, and allow us to work through them. We are leaving a lot of work for 1 day, but it would be my hope we could complete our work on that day.

I see the chairman is in the Chamber. I know he will work with Senators if they have amendments. Let us offer them tonight. Let us deal with them tomorrow if rollcalls are required, but let us get this bill done. I hope we can do so relatively early in the day. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 2044

Mr. GRAMM. Mr. President, we are in the midst of debating and amending an appropriations bill. Earlier in the day, the distinguished majority leader offered an amendment relating to labor rights of public safety employees. I have been told that because there was a reference to collective bargaining in some area related to agriculture in the bill, this made it possible for this extraneous amendment, having to do

with collective bargaining and unionism among public safety employees, to be offered and considered germane to the pending bill.

If we are really trying to finish the Labor-HHS appropriations bill—which I would like to do, because certainly it is in my interest, and it is in the interest of all 100 Members of the Senate, but, more importantly, I think it is in the interest of the working men and women of America that we finish our legislative activities prior to Thanksgiving and put our permanent appropriations process into place, hopefully adopt a stimulus package that is worthy of the name to help the economy and do the work we have to do and complete our business prior to Thanksgiving—Then I do not think the pending amendment related to unionism of public safety workers contributes to that desired goal of finishing our work. In fact, I think exactly the opposite is true.

AMENDMENT NO. 2055 TO AMENDMENT NO. 2044

Mr. GRAMM. I have come to amend a pending Daschle amendment. So I call for regular order with respect to the Daschle amendment, and I send a second-degree amendment to the pending amendment to the desk, and I would like it read.

The PRESIDING OFFICER. The Senator has called for regular order. The clerk will report the second degree amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 2055 to amendment No. 2044:

After line 7 on page 9, insert the following: “(6) Protecting the constitutional right of all firefighters, law enforcement officers and public safety employees who risk their lives on a daily basis to protect our property, freedoms and loved ones in exercising their right to follow their conscience in whether or not to join a labor organization in connection with their decision to pursue a career dedicated to service and sacrifice in defense of the innocent in order to provide for their own families.”

Mr. GRAMM. Mr. President, this is a right-to-work amendment for public safety employees. It is interesting to me that in listing the things we want to do in the pending amendment, we have before us an amendment which overrides State law, which overrides county ordinances, and which would literally set in place a structure to unionize the sheriff's department in Brazoria County in Texas. I think it would come as a shock to people that we are in the process of doing that in the name of appropriating for the Department of Health and Human Services.

I am not in favor of doing this. I think this is a decision that States have to make. My State has decided Americans have a right to join or not join a union. My State is a right-to-work State, as 22 other States are. In fact, Oklahoma just joined the ranks of States that give people the right to decide to join or not join unions.

The idea that we are going to override State law and county ordinances and city ordinances to establish this Federal system of unionism comes as somewhat of a surprise to me.

As I read the rights that we are guaranteeing, it struck me that a right was missing. In fact, a real right was missing. Basically, in the Daschle amendment, we guarantee public safety officers the right to form and join a labor organization but, interestingly enough, nowhere do we give them a right not to join a labor organization. I do not understand rights where you have the right to do something but you do not have the right not to do it. I thought rights had to do with freedom to choose.

Under section 4 of the amendment, No. 2 on page 8, has to do with public safety employers recognizing employees' labor organizations.

No. 3 has to do with collectively bargaining over hours and wages and terms and conditions of employment.

No. 4 has to do with a requirement of dispute resolution.

No. 5 has to do with requirements enforcement through State courts.

It suddenly struck me that if this is really about rights, if we are going to try to reward those who have recently, through their actions, reaffirmed the affection and love that we have for them, should not one of those rights be freedom? In many States in the Union, people who are police officers or emergency workers do have the freedom to say, boy, I really appreciate you all giving me a chance to give you part of my wages and to join your union; I am really grateful for having a chance, but I do not want to do it, and I live in America. So since I live in America and you all have offered me this chance to be part of your union, but I would rather spend the money sending my child to college or buying a new refrigerator or fixing my truck, I am just going to say thank you but no thank you.

Now we have before us a proposal that would basically override State law in every State in the Union, override county ordinances in every county in America, and override the policies of every city in this country and establish a Federal standard for unionism for public safety workers. Yet in all of these rights we are giving public safety workers, never, ever do we mention freedom.

So we override State law. We set up a structure for unionism and we never give workers the right to say thanks but no thanks, I do not want to join a union; I appreciate it, but I think I could spend that money better than that union could spend it on my behalf. No harm meant, no disrespect. I just would rather spend it myself.

So I sent to the desk a second-degree amendment that adds a No. 6. You have five other rights that basically override State law and set up a structure for unionism with regard to public safety and emergency employees. I add

a sixth right, and that would be a right to not join a union.

If we are going to override State authority and State law in setting up a structure for unionism, should not we override State law with regard to allowing people to say thank you but I do not want to join a union? I thought this was America.

In fact, a public safety employee might say I put on this badge this morning to protect freedom and yet I find I do not have the freedom to not give my money to a union of which I do not want to be a member.

So it struck me that if, in fact, we really want to get into the business of writing county ordinances—I did not run for the county commission because I did not want to make county ordinances, and I did not run for the state legislature because I did not want to make law at the State level. My State, my county do a great job. They did not need my help. I was needed in Washington, at least I thought. So I came to Washington to write Federal law, but now today I have found the majority leader has decided he wants to get in the county commission business and the city council business and the State legislature business.

So as long as we are going to get into it, it seems to me that protecting freedom is something that we have to do. If we are going to have a Federal labor standard that protects people's right to join a union is a wonderful thing, is it less wonderful to protect their rights not to join a union? Is it really the American way to say you have a right to join a union—in fact, in over half the States in the Union, over half the States in the country, not to use the same word with a very different meaning, but in over half the States in America you have to join a union to be a police officer, you have to join a union to be a firefighter, you have to join a union to be an emergency worker because those States require that you join a union if that area is organized, and in those States it is.

So as long as we are writing Federal statute, I wanted to add the simple provision that said you had a right to join or not to join as it would suit your individual conscience or as it would suit your own preferences and the well-being of your family. I hope this amendment will be adopted if we are going to adopt the Daschle amendment. I offered it in all seriousness because I think it ought to be included.

If we really want to finish our work, I don't think this is an issue. I think the underlying Daschle amendment, while it is certainly germane—and the Parliamentarian has ruled it is germane—it doesn't promote our objectives to finish our business. I personally believe it should be dropped. If we are going to get into the business of overriding State law, county ordinances, and city ordinances, and mandate a structure of unionism, we ought to guarantee the right of people not to join a union.

I have offered such an amendment. If people want to put it into a pigeonhole, they can put it in the pigeonhole of a national right-to-work provision within a national union structure amendment that would simply say, with all the rights for unions the distinguished majority leader would provide, I add a right for an individual. The right is to say, yes, I want to join a union, or, no, I don't want to join a union.

That is what my amendment does. I hope my colleagues will look at it. It is simple. It is five lines long. It is flowery; and quite frankly, so is the amendment I am amending. I didn't want my part to be less flowery than the rest of it. If you read it, you will understand exactly what I am talking about. I hope my colleagues will support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, there are a few things I want to do on the floor. I thank Senator DASCHLE for his amendment. I have not looked at the amendment of the Senator from Texas. Looking at the language of the Daschle amendment, there is the operative language that the role of the Federal labor relations authority, to the extent provided in this title, in accordance with regulations prescribed in the authority, shall protect the right of each employee to join, form, or assist any union organization, or to refrain, freely and without fear of reprisal, and protect each employee in the exercise of such right.

I think it ought to be clear that protection is already in the Daschle amendment.

The second point is, there is absolutely nothing in this legislation that undercuts State laws. I personally think the right-to-work laws can be debated at some other time.

Finally, I point out if they are interested in supporting the second-degree amendment and undercutting the amendment Senator DASCHLE has introduced—and I ask unanimous consent to be a cosponsor of the Daschle amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. That amendment basically is saying: Give the firefighters, the police, and other public safety workers the right to join a union and bargain collectively for decent wages and civilized working conditions, the right to be able to have a good wage to support their family. That is what this amendment says.

I originally introduced this bill, or a version of this bill several years ago. Now we can get it to the floor of the Senate introduced by the Senate majority leader. We can give all the speeches in the world about how much we appreciate the first responders, those who came to the World Trade Center building and tried to save people and lost their lives—firefighters, police, and other rescue workers. We can give speeches about it, we can give

concerts, we can pass resolutions, but the best way we can say thank you in this Chamber is to give these workers, these men and women, the right to join a union if they want to and to be able to bargain collectively.

That is what the vote is about. The second-degree amendment undercuts the amendment that Senator Daschle and others, myself included, have introduced.

We will get back to this later. That is my initial quick response.

Mr. HATCH. Madam President, last week during consideration of the Agriculture Appropriations bill, the Senate adopted an amendment Chairman TOM HARKIN and I authored which will provide \$1 million to the Food and Drug Administration for enforcement of three important consumer protection provisions of the Dietary Supplement Health and Education Act of 1994, DSHEA. Those provisions relate to the requirement that the dietary supplements be adequately labeled as to their ingredients and the proportion of each ingredient contained within, that statements of nutritional support (so-called "structure/function" claims) must be truthful and non-misleading, and that manufacturers be able to substantiate the claims they make.

These are very important protections we included in DSHEA so that consumers have the assurance that the products they buy are accurately labeled. In the seven years since the Congress passed this law unanimously, there have been sporadic reports that products are being sold that are not properly labeled. Indeed, the Senate Aging Committee held a hearing last month during which it was shown that there have been problems with appropriate enforcement of DSHEA.

It is my strong contention that the law is completely adequate to deal with these problems, as FDA Commissioner Jane Henney advised the Congress on more than one occasion. However, it is obvious to me that enforcement has not been the priority it should be at HHS and FDA.

Accordingly, I rise to offer an amendment which will provide the General Counsel with an additional \$500,000 for legal support for enforcement of the labeling provisions of DSHEA. I am pleased to be joined in this effort by Chairman HARKIN. This is part of our on-going initiative to make certain that consumers have access to safe dietary supplements and information about those products. This amendment we offer today will complement the amendment we adopted last week. The increased funding for the FDA's Center for Food Safety and Nutrition will be used for investigations and compliance activities in the field. The funds contained within the amendment we are offering today will be used to support any legal activities which might arise from field enforcement.

Let me emphasize my strong belief that the majority of dietary supplements are of great benefit to con-

sumers who wish to maintain or improve their healthy lives. However, consumers need the assurance that the products they buy are safe and accurately labeled, and it is time for the FDA to place a greater priority on enforcement against the few bad actors that are casting a large shadow over the industry. Our amendment will help the government place a renewed emphasis on removing illegal products from the marketplace. This will be a great benefit to American consumers.

Before I close, let me mention one other provision of our amendment. The 1994 law called upon the FDA to develop Good Manufacturing Practice, GMP, guidelines for dietary supplements. GMPs are the primary enforcement tool whereby government inspectors ensure that all food products, including dietary supplements, are manufactured according to rigorous quality control standards, including appropriate labeling, sanitation, purity and records-keeping.

Although HHS published an Advanced Notice of Proposed Rule-Making in early 1997, to date the agency has not published the Notice of Proposed Rule-Making which is necessary to being finalization of the GMPs. Senator HARKIN and I have called, written and implored the Office of Management and Budget, HHS, and FDA to issue these regulations. To date, we have not been successful, although it is our understanding that the NPRM was about to be published in the final days of the Clinton Administration.

I am not aware of what the NPRM will contain. Perhaps it will be a good document. Perhaps I will disagree with it vehemently. I cannot say.

What I can say is that the NPRM must be published and available for comment before we can move to finalize the GMPs for dietary supplements. For that reason, the amendment we are offering today expresses the sense of the Senate that the Administration release this regulation within 15 days after the bill is enacted. It should not require an act of Congress for this regulation to be issued, and I still remain hopeful that the NPRM will be published in the next few days so that we may continue the long-delayed process of finalizing the regulation.

I urge adoption of this amendment.

Mr. REED. Mr. President, I rise to discuss the Labor, Health and Human Services, and Education appropriations bill.

First, I want to commend Chairman BYRD and Senator STEVENS, as well as Chairman HARKIN and Senator SPECTER, and their staff, for their work on this bill. Given the budget realities, I know it wasn't an easy task to put this bill together, and I know they would agree we should have even more robust numbers for many programs.

That is why it is important to recognize the increased investments contained in this bill, like dislocated workers; NIH; CDC; SAMHSA; LIHEAP; Head Start; Title I; teacher quality; and Pell grants.

I am particularly pleased that the bill significantly enhances the childhood immunization program under CDC, providing \$84.5 million more than last year and \$62.5 million more than the administration's budget request.

This additional funding is critical to the continued success of the program, which has faced dramatic increases in vaccine purchase costs, as well as new challenges in program outreach and in vaccine delivery infrastructure development.

In addition to its work in preventing and tracking diseases, the CDC also plays a critical role in our effort to maintain and control the onset of chronic disease among Americans. Seven of every 10 deaths in this country each year can be attributed to chronic diseases such as heart disease, stroke and cancer.

CDC's work to improve our understanding of risk factors, such as tobacco use, poor nutrition and lack of physical activity, through applied research is the cornerstone of our Nation's effort to curb the current epidemic of chronic disease related deaths.

I would also like to commend the chairman and ranking member for preserving funding for the Health Professions Program at HRSA. This program provides vital support to academic institutions and students in an effort to improve the accessibility, quality and racial and ethnic diversity of the health care workforce. The administration's budget proposal would have decimated this program.

During this time of shortages in a variety of health care settings, the health professions and nurse education programs are key to our continued efforts to recruit motivated and qualified individuals for the health care workforce.

I have been particularly interested in the work of the Geriatric Education Centers Program, which provide training for health care professionals who provide care to our Nation's seniors, as well as support for faculty who teach geriatrics. Rhode Island has one of the highest concentrations of people over the age of 65, with persons over the age of 85 being the fastest growing segment of the population. As such, I am deeply concerned about the lack of health professionals specifically trained to address the health care needs of our rapidly aging population. The geriatric programs sponsored by HRSA, including one in my State, play a vital role in enhancing the skill base of health professionals who care for frail and vulnerable seniors.

As a final point with regard to the health related provisions in this legislation, I would simply add that I hope that Senate conferees will be able to work with the House to increase the current funding level for the Community Access Program (CAP) at HRSA.

I also want to thank Senators HARKIN and SPECTER for providing \$2 billion in LIHEAP funding. This is an 18-percent increase over funding provided in

the fiscal year 2001 appropriation bill. LIHEAP is an important program for residents of the Northeast and Midwest, and this increased funding is especially important now. The slowing economy and layoffs will make it increasingly more difficult for low-income families to be able to afford to heat their homes this coming winter. If these families cannot pay their heating bills then they will be forced to chose between heat, prescription drugs, housing, and food. This additional funding will help working poor families maintain economic stability during this difficult time.

As for education funding, I am pleased on many fronts. The bill provides an overall increase of \$6.3 billion, including a \$1.4 billion increase for title I, \$925 million to preserve the School Renovation Program, \$1 billion for the 21st Century Community Learning Centers (after school) program, \$3 billion for teacher quality, and a \$250 boost in the maximum Pell grant to \$4,000.

I particularly appreciate the \$15 million increase for LEAP, bringing funding for this program to \$70 million. LEAP is a Federal-State partnership program which helps needy students attend and stay in college. I have worked closely with my colleague from Maine, Senator COLLINS, on this program, and I look forward to continuing to work with her, Chairman HARKIN, and Senator SPECTER to maintain this funding level in conference.

I also want to thank Chairman HARKIN and Senator SPECTER for including funding for a critical national cause I have long championed, along with Senator COCHRAN and others in this body—support for our Nation's school libraries.

The condition of our school libraries is a national disgrace; they either contain mostly bare shelves or are filled with outdated books. Without funding, the goal of the President's Reading First Program to ensure children can read and read well at an early age, will not be met.

While I am pleased that the bill provides a modest downpayment for this program at \$25 million, additional funding is certainly needed.

I want to continue to work with Chairman HARKIN and Senator SPECTER to provide increased resources for this critical program, so that it will work hand in hand with Reading First to improve our student's literacy levels and reading scores.

Certainly Chairman HARKIN's ESEA amendment to fully fund IDEA would provide the resources needed for the school library program and countless other programs, while meeting the needs of our children with disabilities and schools.

I strongly support this effort, and will work with the chairman of the subcommittee to press for this amendment to be retained in the ESEA conference. Indeed, we must pass this amendment to ensure that essential

initiatives get the funding needed to work.

#### UNANIMOUS CONSENT—S. 739

Mr. WELLSTONE. I ask unanimous consent the Senate proceed to Calendar No. 191, S. 739, the Homeless Veterans Program Improvement Act; that the committee-reported substitute amendment be agreed to; that the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

Mr. WELLSTONE. Mr. President, this is the second or the third time I have come to the floor. My colleague from Alabama, though we do not agree on all issues, is a friend, so nothing I am about to say is directed to him. He has to object.

I would like to know which brave Senator has put an anonymous hold on this bill. With all due respect, this piece of legislation, which is called the Heather French Henry Veterans Assistance Act, is named after Heather French Henry, a Miss America who made this her No. 1 priority. Her dad is a disabled Vietnam vet. It passed out of the Veterans' Affairs Committee with bipartisan unanimous support.

It is the same piece of legislation introduced by LANE EVANS. There is nobody better in the whole Congress, House and Senate; he is the best when it comes to being for veterans. He has introduced this, moved through the House, and the VA has supported it. We had the Secretary there. He approves of this legislation—Secretary Principi. The VA reported there were 345,000 homeless veterans in 1999, a 34-percent increase in homeless veterans from 1998 to 1999. I bet a third of the males who are homeless are veterans. That is a scandal. I know my colleague from Alabama agrees with that.

What does this bill do? It increases the \$50 million authorization for the Department of Labor Homeless Veterans Reintegration Program. They basically contract out; the nonprofits do the work at the local level. These are effective job training programs for homeless veterans so they can get back on their feet.

The bill authorizes additional funding for community-based organizations which do the best work in providing different transitional services to veterans, whether it be programs that deal with addiction, whether it be programs to help veterans find more affordable housing.

Finally, it talks about more comprehensive homeless centers that will be available in the country's major metropolitan areas; in other words, a place where there can be medical care, where there can be job counseling, and where there can be social services.

My understanding is—and I don't know how many veterans organizations